

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION

CASE NO.: 1:23-cv-8568

JAMEY STILLINGS,

Plaintiff,

v.

FEBU PUBLISHING LLC dba PIN-UP
MAGAZINE,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff JAMEY STILLINGS by and through his undersigned counsel, brings this Complaint against Defendant FEBU PUBLISHING LLC dba PIN-UP MAGAZINE for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff JAMEY STILLINGS (“Stillings”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Stillings’ original copyrighted Work of authorship.

2. Stillings is a photographer whose work spans decades. His past photographic work includes fine art, documentaries, and commissioned projects. His current long-term project is Changing Perspectives: Renewable Energy and the Shifting Human Landscape.

3. Defendant FEBU PUBLISHING LLC dba PIN-UP MAGAZINE (“Febu”) is a New York-based magazine focused on pure architectural entertainment, the meeting point of

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architecture, art and design. At all times relevant herein, Febu owned and operated the internet website located at the URL <https://pinupmagazine.org/> (the “Website”).

4. Stillings alleges that Febu copied Stillings' copyrighted Work from the internet in order to advertise, market and promote its business activities. Febu committed the violations alleged in connection with Febu's business for purposes of advertising and promoting sales to the public in the course and scope of the Febu's business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in New York.

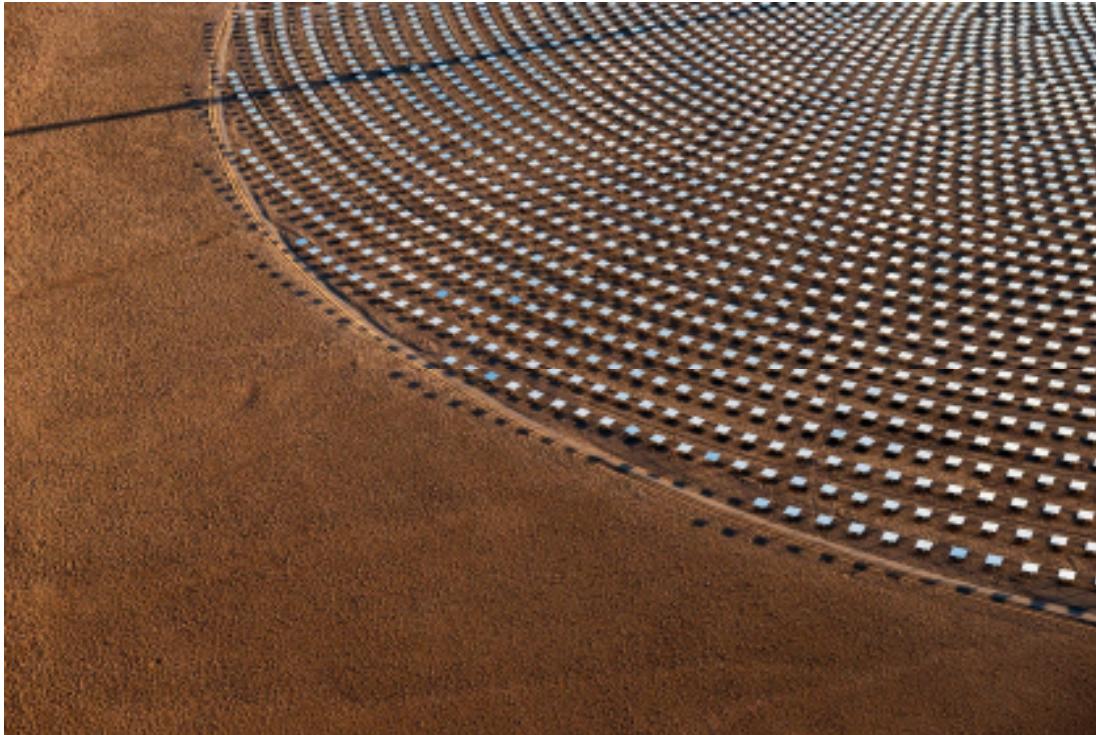
8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. Febu Publishing LLC dba PIN-UP Magazine is a New York Limited Liability Company, with its principal place of business at 175 E Broadway, New York, NY 10002, and can be served by serving its Registered Agent, Felix Burrichter, 175 E Broadway, Apartment 5A, New York, NY 10002.

THE COPYRIGHTED WORK AT ISSUE

10. In 2015, Stillings created the photograph entitled “20151008_CP_12598”, which is shown below and referred to herein as the “Work”.



11. Stillings registered the Work with the Register of Copyrights on October 28, 2015 and was assigned the registration number VAu 1-267-740. The Certificate of Registration is attached hereto as Exhibit 1.

12. Stillings' Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Stillings was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

14. Febu has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Febu copied the Work.

16. On or about June 14, 2021, Stillings discovered the unauthorized use of his Work on the Website. The Work was used on the Website for an article titled “SOLAR DISSUISION: THE NEW IMAGE OF SOLAR ENERGY FROM TARIFFS AND TESLA TO AKON AND BIG BFROTHER”.

17. Febu copied Stillings' copyrighted Work without Stillings' permission.

18. After Febu copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its regular business activities.

19. Febu copied and distributed Stillings' copyrighted Work in connection with Febu's business for purposes of advertising and promoting Febu's business, and in the course and scope of advertising and selling products and services.

20. Stillings' Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

21. Febu committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

22. Stillings never gave Febu permission or authority to copy, distribute or display the Work at issue in this case.

23. Stillings notified Febu of the allegations set forth herein on October 14, 2021 and December 17, 2021. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

24 Stillings incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Stillings owns a valid copyright in the Work at issue in this case.

26. Stillings registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27 Febu copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Stillings' authorization in violation of 17 U.S.C. § 501.

28. Febu performed the acts alleged in the course and scope of its business activities.

29. Febu's acts were willful.

30. Stillings has been damaged.

31. The harm caused to Stillings has been irreparable.

WHEREFORE, the Plaintiff Jamey Stillings prays for judgment against the Defendant Febu Publishing LLC dba PIN-UP Magazine that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff his actual damages and Febu's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiff be awarded pre- and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: September 28, 2023

Respectfully submitted,

/s/Joseph A. Dunne

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